

Remarks/Arguments

Claims 1-7 and 10-16 remain pending in this application. Claims 1 and 10 are amended. Claims 8, 9, 17 and 18 were previously cancelled. Claims 2-4, 6, 11-15 were previously presented. Claims 5, 7 and 16 remain unchanged.

35 U.S.C. §103

Claims 1-2 and 10-11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over applicant's admitted prior art, Payton (U.S. Patent No. 5,790,935), in view of Ellis et al. (U.S. Publication No. 2008/0184304, hereinafter referred to as "Ellis").

Claims 3-4 and 12-13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over applicant's admitted prior art, Payton (U.S. Patent No. 5,790,935), in view of Ellis, and in further view of applicant's admitted prior art Russo (U.S. Patent No. 6,025,868).

Claims 5-7 and 14-16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over applicant's admitted prior art, Payton (U.S. Patent No. 5,790,935), in view of Ellis, and in further view of applicant's admitted prior art Sedlak et. al (U.S. Publication No. 2002/0108117, hereinafter referred to as "Sedlak").

It is respectfully asserted that none of Payton, Ellis, Russo, or Sedlak, alone or in combination, disclose or suggest the step of:

"if the requested program does not already reside on the shared local storage device accessible to a plurality of clients, downloading the requested program from a remote PPV service provider to the shared local storage device while simultaneously transmitting the downloaded program to the client for display,"

as described in currently amended claim 1.

Payton teaches that "a digital information system delivers virtual on-demand information over existing, as well as the next generation, digital transport systems by offloading a portion of the systems' peak bandwidth requirements to the local subscribers. A

collaborative filtering system synthesizes the preferences of all of the subscribers and then predicts those items that each subscriber might like, and therefore request. Each subscriber is provided with a local storage device for storing, during off-peak hours, those items recommended by the collaborative filtering system. As a result, only a relatively few subscriber requests must be serviced directly from the central distribution system.” (Payton Abstract)

Payton does not disclose the use of a local storage unit shared among multiple clients, such as multiple set top boxes in a multi-dwelling unit. In Payton, each subscriber “has a local server that downloads recommended and specifically requested items and stores them in a local storage device.” (Payton, column 2, line 67 – column 3, line 2) Thus, in the system of Payton, a popular program may be stored separately on hundreds of individual subscriber’s servers, leading to highly redundant and wasteful usage of storage space. This usage is especially wasteful since programs are stored based on predictive algorithms and may never be viewed.

Furthermore, Payton does not disclose simultaneously downloading a program to shared storage while transmitting the program to a requesting client. Instead, Payton makes predictions downloads programs without a specific request, and downloads the program directly to multiple clients rather than shared storage. Thus, Payton fails to disclose or suggest the step of “if the requested program does not already reside on the shared local storage device accessible to a plurality of clients, downloading the requested program from a remote PPV service provider to the shared local storage device while simultaneously transmitting the downloaded program to the client for display,” as described in currently amended claim 1.

In Ellis, an “interactive television program guide system is provided. An interactive television program guide provides users with an opportunity to select programs for recording on a remote media server. Programs may also be recorded on a local media server. The program guide provides users with VCR-like control over programs that are played back from the media servers and over real-time cached copies of the programs. The program guide also provides users with an opportunity to designate gift recipients for whom programs may be recorded.” (Ellis Abstract)

Ellis does not disclose, nor does the Office Action assert that it discloses, the step of, “if the requested program does not already reside on the shared local storage device accessible to a plurality of clients, downloading the requested program from a remote PPV service provider to the shared local storage device while simultaneously transmitting the downloaded program to the client for display,” as described in currently amended claim 1.

Russo teaches that a “stored program pay-per-play system includes a high-capacity storage medium facilitating compilation of video, audio or other programs at a subscriber's site. While the recording of such programs may take place at any time preceding playback, billing occurs only when, and if, the subscriber chooses to select a program for replay or actually enjoys the program substantially in its entirety. Billing is alternatively based on a store-credit or account debiting scheme. The recording of program materials may be directed automatically by subscriber-operated storage management facilities which scan program schedules and select materials to be recorded, based on title, cast, program genre or any other of a variety of viewer/listener preferences. Alternatively, the program provider may automatically download programs, either based upon actual or surmised viewer preferences, or at the provider's discretion, for example, using newly-available selections. Display generation circuitry is preferably implemented, enabling the viewer to review selections to be downloaded, those selections available for immediate replay, remaining account balance, and other features, including “parental lockout” and so forth.” (Russo Abstract)

Russo does not disclose, nor does the Office Action assert that it discloses, the step of, “if the requested program does not already reside on the shared local storage device accessible to a plurality of clients, downloading the requested program from a remote PPV service provider to the shared local storage device while simultaneously transmitting the downloaded program to the client for display,” as described in currently amended claim 1.

Sedlak teaches a system “that optimizes transmission bandwidth of a broadband transmission system such as a cable television, satellite system, or wireless information service. Requests for content items from users are employed to add or delete content items from a list. Content items in the list are ranked relative to the number of requests received

or by rate of request. Package groups are created with most requested content items being broadcast more frequently than less requested content items. Transmit groups are produced from package groups and placed in a broadcast queue. A transmit process transmits groups retrieved from the queue.” (Sedlak Abstract)


Sedlak does not disclose, nor does the Office Action assert that it discloses, the step of, “if the requested program does not already reside on the shared local storage device accessible to a plurality of clients, downloading the requested program from a remote PPV service provider to the shared local storage device while simultaneously transmitting the downloaded program to the client for display,” as described in currently amended claim 1.

In view of the above remarks, it is respectfully submitted there is no 35 USC 112 enabling disclosure provided by Payton, Ellis, Russo, or Sedlak, alone or in combination, which makes the present invention as claimed in claim 1 unpatentable under 35 USC 103. It is further submitted that independent claim 10 is allowable for at least the same reasons that claim 1 is allowable. Since dependent claims 2-7 and 11-16 are dependent from allowable independent claims 1 and 10, it is submitted that they too are allowable for at least the same reasons that their respective independent claims are allowable. Thus, it is further submitted that this rejection has been satisfied and should be withdrawn.

Having fully addressed the Examiner’s rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant’s representative at (818) 480-5319, so that a mutually convenient date and time for a telephonic interview may be scheduled.

No fee is believed due. However, if a fee is due, please charge the additional fee to Deposit Account 07-0832.

Respectfully submitted,
Terry W. Lockridge et al.


By: Vincent E. Duffy
Attorney for Applicants
Registration No. 39,964
Phone (818) 480-5319

Patent Operations
Thomson Licensing Inc.
P.O. Box 5312
Princeton, New Jersey 08543-5312
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CERTIFICATE OF MAILING under 37 C.F.R. §1.8

I hereby certify that this amendment is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

Date: July 23, 2010



Report to Data Base

PATENT OPERATIONS

MAILING TO U.S. Patent and Trademark Office

Docket No. 10020411Serial No. 10/526,536 Filed: 3/1/2005

Patent No. _____

Inventor(s): Terry W. Lockridge et al.

Atty: Vincent E. Duffy

Title: System and Method for Providing Programming In a Multidwelling Unit or Multi-Tenant Unit Network

APPLICATION AS FILED

Enter Date	Enter Number	Check Type	Check Items Mailed with Application					
		Independent Claims	<input type="checkbox"/> Original-US Nat'l Declaration					
		Claims in Excess 20	<input type="checkbox"/> Divisional <input type="checkbox"/> Statement under CFR § 1.56-013M					
		Claim Pages	<input type="checkbox"/> Continuation <input type="checkbox"/> Assignment & Recordation Sheet					
		Specification Pgs	<input type="checkbox"/> CPA/RCE <input type="checkbox"/> Preliminary Amendment					
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		<input type="checkbox"/> US Provisional	Utility Application Transmittal					
			Express Mail Application Label No.:					
	Charge	<input type="checkbox"/>	Fee Transmittal Sheet in duplicate Date Deposited: <u>7/23/10</u>					
Mailed	Due	AMENDMENTS	Mailed	Due	APPEALS	Mailed	Due	FEES
		After Rejection			Notice of Appeals			Filing Fee Exp.
<u>7/23/10</u>	<u>8/26/10</u>	After Final Rejection			Appeal Brief			Issue Fee
		After Allowance U/R312			Reply Brief	<u>7/23/10</u>	<u>8/26/10</u>	<u>RCE Fee</u>
		Supplemental			Pet. To Withdraw.			Ext Time § 1.136(a)
		Voluntary			REQUESTS			Add. Payment of Fee
		Letter to Exam/Draftsperson w/Drawing Correction(s)			Ext. Time § 1.136(b)	<u>7/23/10</u>		Fee Trans. Form in dupl.
		Pg(s). of Formal Dwg(s)			Cert. of Correction		Charge	TOTAL FEE AMT. <u>\$ 810.00</u>
		OTHER			OTHER			OTHER
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		Reg. Priority 35USC119			Terminal Disclaimer			Assignment & Record form
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		Statement under § 1.56			Status Letter			Notif. of Foreign Ref.
		IDS w/____ references			Declaration			Correction Of Record
		Certificate of Mailing			Suppl. Declaration			
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